



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 27, 1998

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-1088

OR98-1762

Dear Mr. Steiner:

You ask that we reconsider our decision in Open Records Letter No. 98-1066 (1998) in regard to information pertaining to a company called **en-able**. Your request for reconsideration was assigned ID# 117094.

In regard to information pertaining to **en-able**, Open Records Letter No. 98-1066 (1998) determined that the City of Austin (the "city") must release **en-able**'s information in its entirety as the company had failed to meet its burden under section 552.110 of the Government Code. The city now raises no objection to the open records ruling. You state that the attorney representing **en-able** has asked that you request this reconsideration.

On May 22, 1998, this office notified **en-able** of this request for reconsideration. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception on Open Records Act). The notification stated that if **en-able** does not explain why its information should be excepted from required public disclosure within 14 days of receipt of our notification, this office will assume that it has no privacy or property interest in the information. More than 14 days have passed since receipt of our notification and **en-able** has not responded to our notification. Accordingly, we assume that **en-able** has no privacy or property interest in the information. The city therefore must release the information.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Hastings".

Kay Hastings
Deputy Chief
Open Records Division

KHH/mjc

Ref.: ID# 117094

cc: Mr. John R. Marcil
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Denver, Colorado 80202-2636